

Message

---

**From:** Engelman-Lado, Marianne [EngelmanLado.Marianne@epa.gov]  
**Sent:** 5/18/2021 11:09:31 PM  
**To:** Payne, James (Jim) [payne.james@epa.gov]  
**Subject:** RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Thanks.

---

**From:** Payne, James (Jim) <payne.james@epa.gov>  
**Sent:** Tuesday, May 18, 2021 6:41 PM  
**To:** Engelman-Lado, Marianne <EngelmanLado.Marianne@epa.gov>  
**Subject:** Fwd: New Decision - Hardeman v. Monsanto (9th Cir.)

## Ex. 5 Attorney Client (AC)

Sent from my iPhone

Begin forwarded message:

**From:** "Griffo, Shannon" <Griffo.Shannon@epa.gov>  
**Date:** May 17, 2021 at 11:41:02 AM EDT  
**To:** "Clarke, Victoria" <clarke.victoria@epa.gov>, "Payne, James (Jim)" <payne.james@epa.gov>  
**Cc:** "Fugh, Justina" <Fugh.Justina@epa.gov>  
**Subject:** RE: New Decision - Hardeman v. Monsanto (9th Cir.)

## Ex. 5 Attorney Client (AC)

Shannon Griffo  
Office of General Counsel, Ethics Office  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Clarke, Victoria <clarke.victoria@epa.gov>  
**Sent:** Monday, May 17, 2021 11:33 AM  
**To:** Payne, James (Jim) <payne.james@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** RE: New Decision - Hardeman v. Monsanto (9th Cir.)

## Ex. 5 Attorney Client (AC)

## Ex. 5 Attorney Client (AC)

Victoria

Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel | Ethics Office  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

---

**From:** Payne, James (Jim) <[payne.james@epa.gov](mailto:payne.james@epa.gov)>  
**Sent:** Monday, May 17, 2021 11:20 AM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** FW: New Decision - Hardeman v. Monsanto (9th Cir.)

## Ex. 5 Attorney Client (AC)

---

**From:** Aranda, Amber <[aranda.amber@epa.gov](mailto:aranda.amber@epa.gov)>  
**Sent:** Friday, May 14, 2021 4:36 PM  
**To:** OGC Immediate Office All <[OGC Immediate Office All@epa.gov](mailto:OGC Immediate Office All@epa.gov)>  
**Cc:** Cole, Joseph E. <[cole.josephe@epa.gov](mailto:cole.josephe@epa.gov)>; Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>; Kaczmarek, Chris <[Kaczmarek.Chris@epa.gov](mailto:Kaczmarek.Chris@epa.gov)>  
**Subject:** New Decision - Hardeman v. Monsanto (9th Cir.)

# Ex. 5 AC/AWP

A more detailed discussion of this case will be provided after further discussion with DOJ and the OPP.

Amber L. Aranda  
Environmental Protection Agency  
Office of General Counsel  
202) 564-1737

---

**From:** Oakes, Matthew (ENRD) <[Matthew.Oakes@usdoj.gov](mailto:Matthew.Oakes@usdoj.gov)>

**Sent:** Friday, May 14, 2021 12:28 PM

**To:** Neumann, Jennifer Scheller (ENRD) <[Jennifer.Neumann@usdoj.gov](mailto:Jennifer.Neumann@usdoj.gov)>; [justin.smith@usdoj.gov](mailto:justin.smith@usdoj.gov); Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>; Perlis, Robert <[Perlis.Robert@epa.gov](mailto:Perlis.Robert@epa.gov)>; Aranda, Amber <[aranda.amber@epa.gov](mailto:aranda.amber@epa.gov)>

**Subject:** hardeman v monsanto decision

The 9<sup>th</sup> Circuit opinion in the Hardeman v. Monsanto case just came out. This is the case where we filed an amicus brief arguing that any California state-based labeling requirements were preempted by FIFRA. The 9<sup>th</sup> Cir. affirmed the judgment of the district court and found that California law was consistent with FIFRA. I haven't read the decision yet (it's long). I'll follow up if there is more to report.

Matt Oakes  
Senior Counsel  
United States Department of Justice  
Environment and Natural Resources Division  
Law and Policy Section  
(202) 532-3129 (cell)